IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 2 OF 2006

DAMACIANO RODRIGUES, VASCO DA GAMA,GOA. ....Petitioner

Versus

MR. MOHAN SATU NAIK AND ANR., ...Respondents

Mr. R. G. Ramani, Advocate for the Applicant.
Mr. N. N. Sardessai , Advocate for Respondent No.1

Coram:- N. A. BRITTO, J.

Date:- 23rd March, 2006

P.C.

Heard Shri Ramani, the learned Counsel on behalf of the applicant/Complainant in C.C. No.224/N/01 and Shri Sardessai, the learned Counsel on behalf of respondent no.1/accused.

2. On 16.03.2006, the provisions of Section 401(3) of Cr.P.C. were brought to the notice of the applicant/Complainant, who filed an application today. The said application is taken on record. In the said application, the applicant/Complainant raised that the Criminal Revision Petition filed by him, be treated as an Appeal or in the alternative, the applicant/Complainant be permitted to withdraw with liberty to file a petition of Appeal.

3. Shri Sardessai, the learned Counsel on behalf of the respondent no.1/accused submits that an Appeal cannot be registered unless first the applicant/Complainant seeks leave to file an Appeal. The applicant/Complainant is allowed to withdraw this Criminal Revision Application with liberty to file an application for grant of special leave if

permissible in law.

4. With the above observation, the Revision Application shall stand dismissed as withdrawn with liberty as aforesaid. Certified copies of the Judgments/Orders of the learned Trial Court as well as the learned Sessions Court, be returned to the applicant/Complainant.

N. A. BRITTO, J.

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